THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.11130 OF 2006

Date: 12-06-2006

Between:

Kondru Srinivasa Rao and another … Petitioners

And

The State Election Commissioner
And others … Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.11130 OF 2006

O R D E R:

The two petitioners are residents of Gopuvaripalem Village, Ipur Mandal. They are aggrieved that their appeals dated 08-03-2006 for inclusion of their names in the voters' list of the village for the ensuing Panchayat Raj elections, have not been considered by the second respondent-the District Collector. They seek a direction to the respondents to include their names in the voters' list of the village.

Petitioners claim that the first petitioner's name has been in the voters' list of the village for more than fifteen years and he has been exercising his franchise in all the elections from the village. He further states that he got married to the second petitioner in 1993 and since then, the second petitioner is also residing in the village and her name has also been enrolled as a voter in the voters' list and she has been exercising her franchise since then on the basis of her name being reflected in the voters' list of the village. While so, in the voters' list published on 25-02-2006 for the ensuing Gram Panchayat elections, the petitioners' names were not found in the list and therefore, the petitioners submitted "appeals" to the second respondent, who is also stated to have issued a receipt acknowledging the receipt of the appeals. The petitioners' grievance is that the appeals have not been disposed of by the second respondent.

Rule 6 of the Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000 (for short "the Rules") ordains the procedure for lodging claims and objections on the

publication of the electoral roll. Accordingly, any person wishing to prefer a claim for inclusion or deletion of any name in the roll or any objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 (Central Act 43 of 1950), to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Subject to the provisions of Section 11 of the Act, and based on the orders of the Electoral Registration Officer of the Assembly Constituency on such claims and objections, the District Panchayat Officer shall carry out consequential amendments in the Gram Panchayat Electoral roll. Rule 6 further provides that in case of any clerical or printing error or both, or when the entries deviate from the particulars of the Assembly Electoral roll, the District Panchayat Officer may cause such errors to be rectified, so as to bring it inconformity with the particulars of the Assembly Electoral roll concerned.

Learned counsel for the petitioners does not demur from the contention of the learned Government Pleader for Panchayat Raj that the Electoral Registration Officer i.e., the competent authority for entertaining claims or objections as to inclusion or exclusion of names from the electoral roll is the Revenue Divisional Officer concerned, in this case, the third respondent.

The petitioners, however, erroneously submitted appeals to the second respondent. The second respondent's jurisdiction arises only when an order is passed on the objections by the third respondent, adverse to the claims of the objectors and the objectors seek to prefer an appeal against such an order. As the petitioners merely seek inclusion of their names in the electoral roll, it is the third respondent, which is the competent authority. The petitioners' "appeals" submitted to the second respondent are, therefore, incompetent. Realizing this predicament, Sri C.Damodar Reddy, learned

counsel for the petitioners, submits that the second respondent may be directed to redirect the appeals/ representations submitted by the petitioners on 08-03-2006 to the third respondent, who may consider the same as a claim lodged under Rule 6 of the Rules and dispose of the same, in accordance with law.

In the facts and circumstances of the case, the writ petition is disposed of, at the stage of admission, after hearing learned Government Pleader for Panchayat Raj and the learned Standing Counsel for the State Election Commissioner, directing the second respondent to forward/redirect the representations made by the petitioners labeled as "appeals" to the third respondent forthwith. The third respondent shall consider and dispose of the claims of the petitioners for inclusion of their names in the electoral roll of Gopuvaripalem Village, expeditiously, and in any event, within a day from the date the representations of the petitioners are forwarded to the said respondent from the office of the second respondent. Nothing in this order, shall be construed as entitling the petitioners to inclusion of their names in the electoral roll, unless an appropriate order in this behalf is passed by the third respondent and such order is capable of ensuring the inclusion of petitioners' names in the electoral roll, in accordance with law. No costs.

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(Goda Raghuram, J)

Dated 12th June, 2006

Note: Issue C.C in two days
(b/o)
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